

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY

NOTICE OF MOTION NO.71 of 2005
IN
INSOLVENCY NOTICE NO.N/62 OF 2005

Re:Jayant Chottalal Parekh & Anr..Judgment Debtors

Exparte:

Jetu Jaacques Taru Lalvani.....Judgment Creditor

Mr.Somaiya Jayesh i/b.A. Bharat & Co., for the Judgment
Debtor.

Mr. P.V.Shah, for Judgment Creditor.

CORAM: F.I. REBELLO, J.

DATE : 16th August, 2005

P.C.:

. It is contended on behalf of the judgment debtors that earlier notice was issued and as such no fresh notice could have been issued. On behalf of the judgment creditor Learned Counsel points out that no petition was filed as consent terms were arrived at between the parties and there was failure by the judgment debtor to comply with the consent terms. It is pointed out that even though there is a decree there is no bar on issuing fresh notice as long as it is within limitation. Considering the above, this defence as raised on behalf of the judgment debtor in answer to the notice is not available. The only other contention was that they have already paid a sum of Rs.25.00 lakhs. On behalf of the judgment creditor learned Counsel points out that the adjustment of the same has been given for a sum over Rs.31.00 lakhs as can be seen in the notice. Considering the above, there is no merit in this Motion which is accordingly rejected.

(F.I.REBELLO, J.)